

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:17-cr-134-FDW-SCR-15**

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
) **ORDER OF INSTRUCTIONS**
MARQUEL MICHAEL CUNNINGHAM,)
)
Defendant.)
)

THIS MATTER comes before the Court on Defendant's *pro se* Letter [Doc. 3396] in which he asks the Court to "vacate [his] sentence."

The Defendant's Letter is construed as a Motion to Vacate pursuant to 28 U.S.C. § 2255.¹

The Clerk will be instructed to open the Letter as a § 2255 Motion to Vacate in a new civil action.

IT IS, THEREFORE, ORDERED that Defendant's *pro se* Letter [Doc. 3396] is recharacterized as a § 2255 Motion to Vacate. The Clerk is instructed to open the Letter as a § 2255 Motion to Vacate in a new civil case.

Signed: June 13, 2023


Frank D. Whitney
United States District Judge

¹ No pre-recharacterization warnings are required pursuant to United States v. Castro, 540 U.S. 375 (2003) because this is not the Defendant's first Motion to Vacate. See Case No. 3:22-cv-88.